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HIGH COURT OF CHHATTISGARH, BILASPUR

Cr. M.P. No.210 of 2006

(Petition u/s 482 of the Code of Criminal Procedure)

APPLICANT

Janakram, s/o Jhadooram Gabel, aged about 47 years, village Botalda, tah. Kharsia, Distt. Raigarh CG).

VERSUS

NON-APPLICANT

1. Jhadooram, s/o Ghasiram Gabel, aged about 70 years,
2. Medni Prasad, s/o Jhadooram Gabel, aged about 48 years,
3. Umesh Kumar, s/o Manohar Gabel, aged about 29 years,

All residents of village Botalda, Tah. Kharsia, Distt. Raigarh (C.G)

4. State of Chhattisgarh, Through the District Magistrate Raigarh, (C.G)

Appearance:

Shri Viprasen Agrawal, counsel for the applicant.
Shri G.K. Beriwal, Dy.A.G. for the State.

ORAL ORDER
(11.04.2007)

Sunil Kumar Sinha, J,

Heard on admission.

This petition is directed against the order dated 09.3.2005 passed in Criminal Revision No.208/2004 by the IV Addl. Sessions Judge, Raigarh, by which after allowing the revision of the petitioner, he has remanded the matter to the concerned Sub-

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Divisional Magistrate for disposal of the case in accordance with the law. He has also issued certain directions in para 22 of the impugned order.

The brief facts,as stated by learned counsel for the petitioner, are that this petitioner had filed an application u/s 145 of Cr.P.C. alongwith an application u/s 146 Cr.P.C. before the Court of concerned Sub Divisional Magistrate. The Sub Divisional Magistrate, registered the matter as Misc. Case No.155/2004. After hearing the parties, the said Court dismissed the applications u/s 145 and 146 of Cr.P.C. on 23.11.2004 holding that the petition does not disclose the correct identification of the property in dispute as the petitioner has not mentioned Khasra Number and extent of the land etc., Against the said order, the criminal revision was filed and it was allowed by the Sessions Judge and the matter was remanded to the concerned Magistrate with a direction vide para 22 that the Magistrate will get correct Khasra number and extent of the land in dispute from the parties and thereafter he shall proceed in accordance with law. It is against this order, the petitioner has filed this Misc. Petition.

I do not find any illegality in the order passed by the Sessions Judge. In fact, the relief granted to the petitioner was the maximum possible relief which was granted by the Sessions Judge and there was no cause of action to proceed further invoking inherent jurisdiction of this Court u/s 482 Cr.P.C.

This petition has no merits and the same is dismissed at the motion stage itself.

Sd/-
SUNIL KUMAR SINHA
Judge